

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, NY 14203-2915

P: (716) 851-7165 | F: (716) 851-7168

www.dec.ny.gov

June 28, 2019

Mr. Keith Nagel
Vice President & General Manager Environmental Affairs
Tecumseh Redevelopment Inc.
4020 Kinross Lakes Parkway
Richfield, Ohio 44286-9000

Re: Tecumseh Redevelopment Site a/k/a Bethlehem Steel Site ("Site")
Property County: Erie County
EPA Identification No.: NYD002134880
NYSDEC Site No.: 915009

Dear Mr. Nagel:

Article 27 of the Environmental Conservation Law (ECL) mandates that the New York State Department of Environmental Conservation (Department) establish a program requiring permits for hazardous waste treatment, storage, and disposal facilities. The Department has issued regulations to implement this permit program, which are published in 6 NYCRR Parts 370, 371, 372, 373, 374 and 376.

The Site has been in interim status since Bethlehem Steel Corporation submitted a Part A application to the United States Environmental Protection Agency (USEPA) on November 18, 1980. On June 17, 2004, Tecumseh Redevelopment Inc, submitted a revised Part A application indicating that it was the new owner and operator of the facility as of March 7, 2003, thereby maintaining interim status.

When Tecumseh acquired the property, the Site was the subject of USEPA Administrative Order on Consent (Docket No. II RCRA-90-3008(h)-0201) that required a RCRA facility Investigation (RFI). In August 2006, USEPA notified Tecumseh that the RFI requirements of the Order had been completed and that Tecumseh must perform a Corrective Measures Study. In June 2009, Tecumseh and the Department entered into an Order on Consent (File No. 03-73) in which Tecumseh agreed to complete a RCRA Corrective Measures Study (CMS) of the Site. Since execution of the 2009 Order, the Department has provided substantial comments on two drafts of Tecumseh's CMS Report prepared by TurnKey Environmental Restoration, LLC,

At a meeting on September 19, 2018, the Department provided Tecumseh with two options for proceeding with Site remediation. Tecumseh was advised it could enter into a Final Corrective Measures Order (also referred to as a Global Order), or it could



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submit a Part 373 RCRA Permit application. Efforts by the parties to agree on the terms of a Final Corrective Measures Order were unsuccessful.

This letter constitutes the Department's official request for an amended Part 373 permit application for the above-referenced facility. The amended application must contain all applicable items required within Part 373-1.5 in order to satisfy the standards of Part 373-2.

Please submit your application to the following:

Mr. David S. Denk
Regional Permit Administrator
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

With one (1) electronic and one (1) hard copy to:

Mr. Daniel Evans, Director
Bureau of Hazardous Waste and Radiation Management
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7256
daniel.evans@dec.ny.gov

Mr. Stanley Radon
Regional Remediation Geologist
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203
stanley.radon@dec.ny.gov

and one (1) electronic copy, transmitted via e-mail, to:

Chief, RCRA Programs Branch
U.S. EPA Region II
c/o everett.adolph@epa.gov

The permit application must be submitted by December 31, 2019.

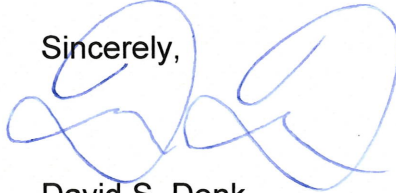
Failure to submit a timely amended permit application will constitute a violation of ECL § 27-0913. ECL § 71-2705 provides for civil sanctions for violations of Article 27, Title 9 and the regulations promulgated pursuant thereto, or any term or condition of any

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certificate or permit issued pursuant thereto. Sanctions include penalties of up to \$37,500 per day per violations.

If you have any questions, please contact me at (716) 851-7165, or at david.denk@dec.ny.gov, or Stanley Radon at 716-851-7220 or stanley.radon@dec.ny.gov.

Sincerely,



David S. Denk.
Regional Permit Administrator

cc: Chris LaLone, NYSDEC
Karen Draves, Esq., NYSDEC
Stanley Radon, NYSDEC
Chad Staniszewski, NYSDEC
Mike Cruden, NYSDEC
Dan Evans, NYSDEC
Lynn Winterberger, NYSDEC
Sarah Bogardus, NYSDOH
Adolph Everett, EPA
Paul Werthman, Benchmark
Thomas Tuori, Esq., HSE